

U.S. Army Corps of Engineers PHILADELPHIA DISTRICT

Living Shoreline Training Workshop

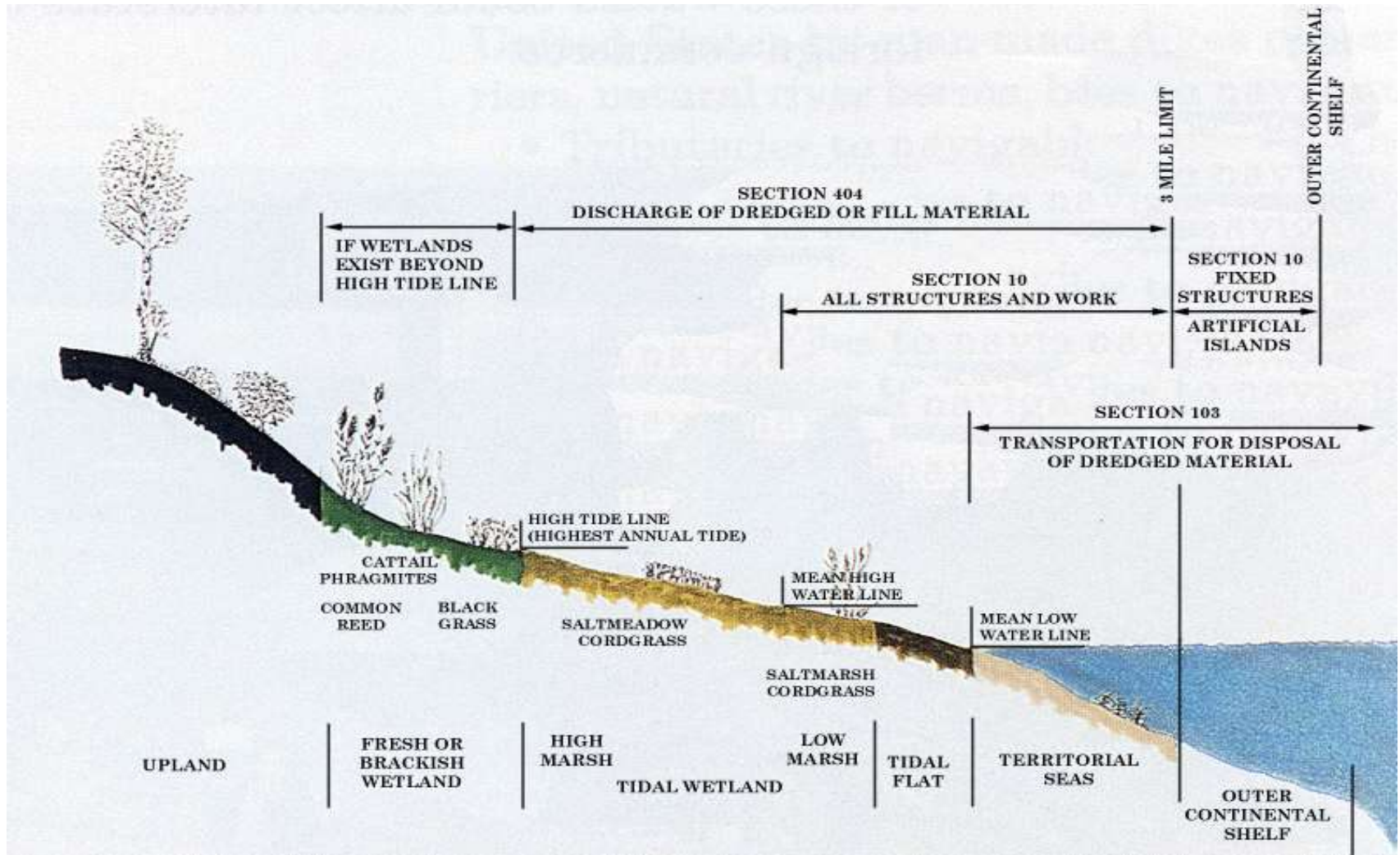
Michael D. Yost
16 March 2016



US Army Corps of Engineers
BUILDING STRONG®



Do I need a permit?



Federally Jurisdictional Waters

Section 10 Waters

- Waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark;
- And/Or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce.

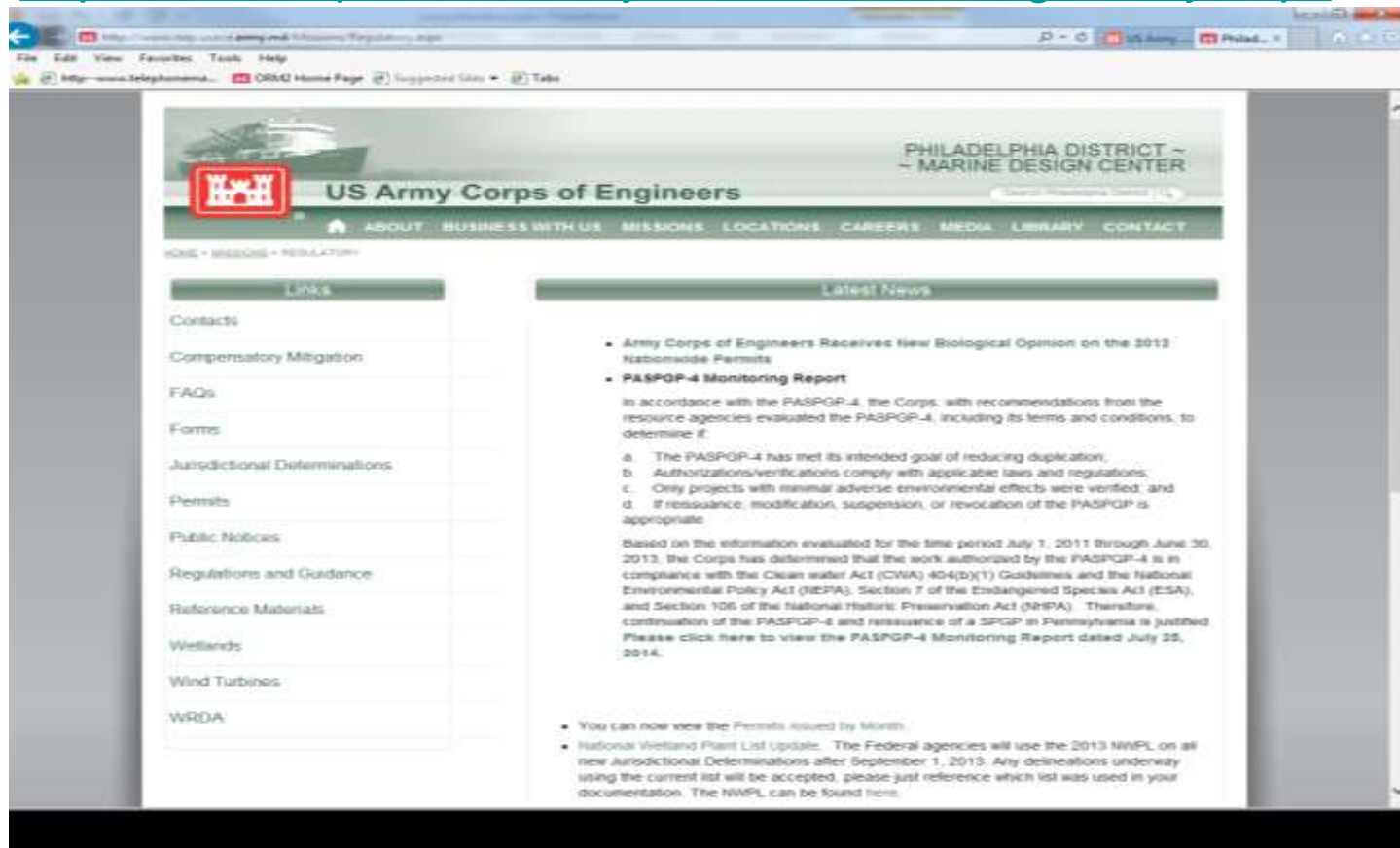
Section 404 Waters

- Include Section 10 waters and;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds;
- All impoundments of waters otherwise defined as waters of the United States under the definition;
- Tributaries of the above waters;
- Territorial seas;
- Wetlands adjacent to above waters.



How do I apply?

- U.S. Army Corps of Engineers, Philadelphia District website:
<http://www.nap.usace.army.mil/Missions/Regulatory.aspx>



Nationwide Permits (NWP)

- Nationwide permits (NWPs) are a type of general permit and represent DA authorizations that have been issued by the regulation (33 CFR Part 330) for certain specified activities nationwide.
- Must satisfy all terms and general conditions of an NWP for a valid authorization to occur as well as any applicable Regional Conditions listed for Delaware.
- Expire 5 years from issuance date.
- **Expire 18 March 2017**



NWP Options

- NWP 27: Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- NWP 13: Bank Stabilization



NWP27

- Aquatic Habitat Restoration, Establishment, and Enhancement Activities.
- CZM and WQC issued.
- Pre-construction notification typically required.
- Detailed in general condition 31.

General Condition 31

- Use ENG Form 4345.
- Include a delineation of wetlands, other special aquatic sites, and other waters.
- Include scaled engineering plan(s) of the proposed work on 8-1/2 by 11 inch paper and/or full-sized scaled engineering drawings.
- **Details are important!**
- **Quantities!**



NWP27 Regional Conditions

- U.S. Fish and Wildlife Service Correspondence.
- National Marine Fisheries Service Habitat Conservation Division Correspondence.
- Documentation from the State agency(s):
 - ▶ Kate Fleming, Wildlife Species Conservation & Research Program
 - ▶ Craig Lukezic, Delaware Division of Historic and Cultural Affairs

NWP13

- Bank stabilization activities necessary for erosion prevention.
- Activity is no more than 500 feet in length along the bank;
- The activity will not exceed an average of 1 cubic yard/running foot placed along the bank below the plane of the ordinary high water mark or the high tide line;
- The activity does not involve discharges of dredged or fill material into special aquatic sites;
- No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow;
- No material is placed in a manner that will be eroded by normal or expected high flows;
- The activity is not a stream channelization activity.



NWP13 (cont.)

- CZM and WQC denied in critical resource waters.
- Must submit pre-construction notification if:
 - ▶ involves discharges into special aquatic sites; or
 - ▶ is in excess of 500 feet in length; or
 - ▶ will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or the high tide line.
- Pre-construction notification detailed in general condition 31.



General Condition 31

- Use ENG Form 4345.
- Include a delineation of wetlands, other special aquatic sites, and other waters.
- Include scaled engineering plan(s) of the proposed work on 8-1/2 by 11 inch paper and/or full-sized scaled engineering drawings.
- **Details are important!**
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NWP Updates

- Draft proposed 2017 NWP's currently in the interagency review process.
- 2 new NWP's proposed.
- Living Shorelines.
- Stay up to date:
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>
Or www.regulations.gov



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Questions?

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